

OLC 79-1449/10

11 July 1979

MEMORANDUM FOR: Director of Security

ATTENTION

[REDACTED]

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Security Analysis Group

FROM

[REDACTED]

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Associate Legislative Counsel

SUBJECT : Procedures for House Committee on Standards of Official
Conduct Review of Agency Material

1. The DCI signed the Memorandum of Understanding (MOU) with the House Committee on Standards of Official Conduct (HCSOC) on 2 July 1979, incorporating all of your recommended changes (see Attachment 1). I call your attention to one major change that I was able to negotiate with the HCSOC Special Counsel at the last minute: In regards to any disagreement over "public disclosure", the Committee will accept ultimately a decision by the President. Since this keeps the control within the Executive Branch, it is no doubt preferable to the "judicial solution" we had considered earlier.

2. As soon as the MOU is signed by the Chairman of the Committee, the Special Counsel plans to execute the Secrecy Agreements with the eight staff members who have been cleared and to process the first official request for information. At this point, sometime during the week of 9-13 July I suspect, I will need further assistance from the Office of Security. First of all, I would like for you to provide the staff a fairly comprehensive security briefing on the control, storage and transporting of classified material. It would also be helpful if you could explain the structure of your filing system(s) so that the staff might better understand the limitations on our search capabilities. This might prevent some misunderstandings down stream.

3. I also need your assistance in establishing and implementing the procedures to be followed in providing the staff access to Agency material. A conference area in [REDACTED] with a dedicated safe, will be made available upon demand for the staff's use. I would hope that

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access, escorting and monitoring could be made as routine as possible, and still provide the level of control that you think necessary. Please review Attachment 2, "Procedures for HCSOC Review of Agency Material", to see if you can support these procedures.



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Attachments:
As stated

MEMORANDUM OF UNDERSTANDING
BETWEEN THE DIRECTOR OF CENTRAL INTELLIGENCE
AND THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

1. The Director of Central Intelligence (DCI) and the Chairman and the Ranking Minority Member of the House Committee on Standards of Official Conduct (Committee) are prepared to cooperate fully in the inquiries, and any investigation resulting therefrom, being conducted by the Committee regarding [REDACTED]

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Access to CIA Information and Personnel

2. The DCI will, when requested, provide access to that classified information originated by the Central Intelligence Agency (CIA) which is relevant to the Committee's mandate. In order to fulfill the DCI's responsibility to protect intelligence sources and methods, such information will be appropriately sanitized, including excising as may be necessary, to assure protection of intelligence sources and methods. The Committee will be notified of any relevant material in the possession of, but not originated by, CIA and provided with the name of the proper authority to contact to obtain access to the material.

3. All Committee requests for documentary information will be in writing, signed by the Chairman, Ranking Minority Member or Special Counsel. In the interest of timely responses, preliminary telephone or other oral requests will be accepted, but no information will be made available until a written request is received. Committee requests for information will be directed to the Chief, Congressional Liaison Division, Office of Legislative Counsel.

4. Access by Committee personnel to any material or information which has been designated for protection from unauthorized disclosure by the Director of Central Intelligence will be limited to eight designated persons and will be granted only on the basis of the standards set out in Director of Central Intelligence Directive (DCID) 1/14. Prior to being granted such access, each of the designated Committee employees will execute a secrecy agreement which is acceptable to the Chairman, the Ranking Minority Member and the DCI, a copy of which will be provided to the DCI.

5. CIA documentary information to which the DCI grants access will normally be made available only on CIA premises. This documentary information will be distributed by a CIA representative upon the arrival of Committee personnel, and will be collected by the CIA representative prior to the departure of Committee personnel. No CIA documentary information may be removed from CIA premises or copied by Committee personnel, except as otherwise provided in paragraph 7 below.

6. Notes may be taken by Committee personnel in the course of reviewing CIA documentary information. All notes so taken are subject to review and sanitization by CIA. The original notes will remain in the custody of CIA, with sanitized and appropriately classified copies of the notes prepared by CIA for transmittal to the Committee.

7. Requests for the removal and storage of classified material, other than copies of notes, will be considered by the DCI on a case-by-case basis. Classified material which is removed will not be reproduced.

8. Copies of sanitized notes, and such other classified material as may be approved by the DCI for removal from CIA premises, may be stored during the inquiries at a location designated by the Committee, provided the storage facility and the access and control procedures are approved by the DCI.

9. Committee procedures for access, control or storage of any classified CIA material or copies of sanitized notes which Committee personnel may remove from CIA premises, or classified Committee materials generated from them, will be in accordance with security standards established by the DCI. The Committee accepts full responsibility for the proper protection and control of all such material and all discussions based on such materials, in accordance with security standards established by the DCI, while such materials are in the custody of the Committee.

10. At the close of the inquiry or any subsequent investigation resulting therefrom, all CIA material, copies of classified notes, and other classified material generated by the Committee from information furnished by CIA will be transferred to the custody of CIA.

11. Current CIA employees will not be interviewed in connection with these inquiries without the prior knowledge and consent of the DCI or his representative. Interviews of current CIA employees will be conducted only on CIA premises or otherwise as the DCI may authorize. The record of each such interview shall be reduced to writing and will be subject to sanitization by CIA to remove any reference to intelligence sources and methods before the Committee takes permanent custody of the final record. A copy of each such final record shall be made available to the DCI. All copies of preliminary notes and transcription tapes or other recording media made at the time of the interview will be held by CIA until the close of the inquiry or any resulting investigation, at which time they will be destroyed.

12. In view of the fact that certain ex-employees would be placed in jeopardy by sudden and unexpected disclosure of their past CIA affiliation, the Committee will give the DCI an opportunity to advise it concerning the circumstances of each ex-employee the Committee may

wish to interview, before contacting the ex-employee. The DCI's representative will make a good faith effort to locate and notify ex-employees of the CIA who may become involved in the Committee's inquiry. As in the case of interviews of current CIA employees, Committee personnel will reduce the record of each interview of an ex-employee of CIA to writing and make that record available for CIA review and sanitization of any reference to intelligence sources and methods prior to the Committee taking permanent custody of the final record. A copy of each such final record shall be made available to the DCI. All copies of preliminary notes or transcription tapes, or other recording media made during any interview of an ex-employee, from which the written record of such interview is derived, will be submitted to CIA representatives by Committee personnel. CIA will hold these data until the close of the inquiry or any resulting investigation, at which time they will be destroyed.

13. Prior to any interview with, or appearance before the Committee by, an employee or ex-employee of CIA, the DCI reserves the right to contact the employee or ex-employee in order to advise the employee or ex-employee concerning the applicability of his or her secrecy agreement in the circumstance, and give instruction concerning the scope of information which the employee or ex-employee is authorized to divulge in the course of such a proceeding. A representative of the DCI may be present at all such interviews to advise the employee or ex-employee on matters relating to the protection of sources and methods.

Public Disclosure of CIA Information

14. If at any time the Committee determines that it wishes to make public any information furnished by the DCI pursuant to this Memorandum of Understanding the Chairman will notify the DCI of this fact in writing. If the DCI does not make a written response within ten working days, the Committee may proceed with such disclosure. If the DCI responds in writing within ten working days, indicating he objects to such public disclosure, the DCI and the Committee will each appoint one representative to meet and attempt to resolve these differences. If these representatives are unable to resolve all points at issue, those remaining points will be taken up by the Chairman, the Ranking Minority Member, and the DCI for resolution. If issues still remain following the discussion between the Chairman, the Ranking Minority Member, and the DCI, the Chairman shall notify the President of the information which the Committee wishes to publicly disclose. The Committee may disclose publicly such information after the expiration of a period of ten working days following the notification to the President unless, prior to the expiration of such ten-day period, the President, personally, in writing, notifies the Committee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the


disclosure would be likely to cause a grave injury to national defense or foreign relations, or would compromise sources and methods of intelligence gathering, and that such injury outweighs any public interest served by the disclosure. The Committee agrees to accept such a determination by the President.

15. If at any time Committee personnel submit to the Chairman, pursuant to the terms of their secrecy agreement, material which is intended for publication, the Chairman will consult the DCI for a recommendation concerning the release of information which constitutes or is based upon data to which the DCI has granted access.

16. If at any time Committee personnel are called upon by Judicial or Legislative authorities to testify about or provide information which they have agreed not to disclose pursuant to their Secrecy Agreement, the Chairman will so notify the DCI or his representative.

Condition for Suspension of Access

17. Any disclosure of information in violation of this Memorandum of Understanding may result in the suspension of further access to CIA documentary information or current CIA employees by Committee personnel.


Director of Central Intelligence

Chairman, House Committee on
Standards of Official Conduct
Subcommittee

2 July 1979

Date

Date

Ranking Minority Member, House
Committee on Standards of
Official Conduct Subcommittee

Date

Procedures for House Committee on Standards of Official Conduct
Review of Agency Material

Visitor(s) report to Receptionist

Receptionist:

- (1) Notifies OLC
- (2) Requests Security Escort
- (3) Issues Visitor's Badge(s)

OLC:

- (1) Alerts Legislation Division to vacate Conference Area
(Room 5E11)
- (2) Notifies appropriate offices to make classified material available
in Room 5E11

Security Officer:

- (1) Escorts visitor(s)
- (2) Opens safe
- (3) Ensures Access Log is signed
- (4) Monitors review
- (5) Returns material to safe
- (6) Secures safe
- (7) Notifies OLC that visitors are departing
- (8) Escorts visitors

OLC:

- (1) Notifies or returns material to appropriate offices, as agreed
- (2) Prepares and distributes copy of notes for sanitization/classification by appropriate offices

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